IMT Nuremberg Archives

H – 1086

International Court of Justice

H1086 – 0001

H1086 - 0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

3 AUGUST 1946

COMMISSIONER:

Mr. George R. Taylor.

POLITICAL LEADERS

(THE COMMISSION CONVENED at 1040 HOURS.)

The Prosecution was not represented.

COMMISSIONER: Proceed with your affidavits, Dr. Link.

DR. LINK: Should we adopt the same proceedure as last time about enumerating the affidavits consecutively and then have the summary of each one translated, and then have the reporter copy the summaries?

COMMISSIONER: Yes, that is the way we shall proceed. How many do you have?

DR. LINK: I have not counted them, but I should like to let you know that the affidavits are summarized. 155,000 affidavits have already been submitted and are being submitted, and for each group of these collective affidavits I should like to submit a few of the most

/

H1086 - 0003

important ones. I like this procedure that has already been agreed upon by Col. Neave and Miss Sheriff to be adopted - that is, if affidavits are submitted referring to collective group 54 that these affidavits be numbered 54 a, b, c, etc.

COMMISSIONER: Have you any affidavits here that you're going to request be translated?

DR. LINK: No, it is not necessary.

COMMISSIONER: All right, let's submit them as agreed.

DR. LINK: Must I submit them individually, and explain them, or will it be sufficient if the same procedure as the last is adopted: you enumerate each one as each are handed up.

COMMISSIONER: All right, proceed now.

DR. LINK: The first is PL-54A. In defense of the "Corps of Political Leaders" I should like to submit the following affidavits and make the following explanatory remarks in connection with them:

A cooperative group, consisting of members of organizations - present here - has completely sorted and grouped the large number of statements received from a total of 25 camps in the American, British and French Zones. These declarations, submitted by about 38,000 political leaders, number 155,936.

The result consists of the Group-report by Karl Hederich, (P.L. 53), and of the following individual

H1086-0004

declarations:

Jewish persecutions, especially as to events of the 9th and 10th of November 1938 by Edward Kuebe (PL 54).

Treatment of foreign civilian labor and prisoners of war by Josef Reinhart (PL 55).

Dissembling of Trade Unions by Josef Reinhart (PL 56).

Concentration Camps by Richard Mueller (PL 52).

Operational Staff Rosenberg by Richard Mueller (PL 58).

Euthanasia by Karl Richard Adam (PL 59).

Conspiracy against Peace by BolkeGr. v. Roedern (PL 60).

Lynching by Heinrich Walkenhorst (PL 61).

Fight against the Church by Reinhardt Schoen (PL 62).

And, finally, of two reports submitted as affidavits from one small and one large internment camp, respectively:

Camp C.I. 91 Darmstadt, by Paul Wegener (PL 63)

Camp C.I. 8 Garmisch, by Dr. Ernst Bayerlein (PL 64).

As a supplement to the above affidavits that have already been submitted and approved for translation, a few of the individual affidavits belonging to the

H1086-0005

group-affidavits are being submitted as follows:

PL 54A, by Dr. Ernst Volkmann dated 15.7.1946.

A special senate, attached to the Supreme Party Court, was formed to investigate legally, and prosecute the excesses against the Jews of the 9th and 10th of November 1938. Dr. Volkmann was one of the judges. In this capacity he found out that the action had been suggested by Goebbels, but was not organized nor carried out according to uniform instructions. Accordingly, the time, extent and nature of the excesses varied very much within the individual districts and even within individual Gaus. The same applies to the organization membership of the local offenders. The fact that political leaders only played a small role in the excesses compared with the affiliated organizations, is significant. Several Gauleiters did not learn of the excesses in their Gaus until they had returned from Munich, and put an end to the measures started against their will.

The investigations showed that almost without exception the political leaders most strongly opposed and condemned the excesses, as not being in conformity with the ambitions of the Party and as being hurtful to its reputation.

It was proved without doubt that the action had not been prepared nor carried out according to planned instructions by one uniform group or organization.

H1086 - 0006

COMMISSIONER: There being no objection to this affidavit, let it be marked PL NO. 54A for identification.

* * * * *

H1086 - 0007

DR. LINK: I now desire to submit the affidavit of Walter Buch, the summary of which is as follows:

Affidavit 54B by Walter Buch, of June 11, 1946. The report written by Buch's chief of staff, Schneider (concerning the investigation of the events of the 9 and 10 of November 1938),and passed on to Goering by the Supreme Party Court, was to help the fight of Supreme Party Court, and the principle to call whoever was responsible to account and not to have to punish only the little offender. In spite of its carefully chosen wording, the report is evidently directed against Geobbels, as shown by the criticism of events and especially by the conclusion. The suggestion of having the State Legal System suppressed any cases is to be understood in this sense too. The Supreme Party Court did not want to have the small offenders prosecuted before having taken any decisions concerning those who were responsible. A special Senate was composed attached to the Supreme Party Court, which was further staffed with political leaders,and leaders of affiliated organizations, because the question concerned was a political one.

MR. TAYLOR: There being no objection, let the affidavit be marked PL 54B for identification.

-- --

DR. LINK: Affidavit of Karl Hederich, 31 July,1946. The affianced was present at the meeting of the 9th of November,1938, and also heard Dr. Goebbel's speech. For years he had had an official and personal connection with the Stabsleiter of the Supreme Party Court, Ludwig Schneider. Schneider stated several times that the result of his investigations within the special Senate had shown that Dr Goebbels was the instigator of

H1086 - 0008

these damnable events because he had encouraged demonstrations, and had thereby proceeded in a manner that caused confusion among the party-members concerned,and that was in open contradiction to the instructions of the Fuehrer. He,Schneider, would have to ask that above all Goebbels be called to account. It was impossible to punish the small offender, and let the big ones go unscathed. His aim was to have Goebbels called to account, and he oped for the support of Goering and Bouhler. His report to Goering was to help in establishing the responsibility of Dr. Goebbels. Bouhler, the former head of the chansellory of the Fuehrer, actually confirmed that the overthrow of Goebbels was to be counted on. The crisis concerning Dr.Goebbels did not end until August 1939.

MR TAYLOR: There being no objection, let the affidavit be marked PL 54C for identification.

-- -- --

DR. LINK: I now desire to submit the affidavit of Wilhelm Kattwinkel, the summary of which is as follows:

Affidavit No. 54D, by Wilhelm Kattwinkel. Kattwinkel, as a Gau Judge in the Gau of Essen, took part in a meeting of Gauleiters in Berlin in November 1938 to which the Gay judges had also been invited. Heydrich, who later became Obergruppenfuehrer, was chairman of the meeting. He stated that the Fuehrer had called the anti-Jewish actions that had taken place against his will insanity,and had demanded that an example be made of the offenders. Witness reported on this to his former Gauleiter. His Gauleiter also stated that in his Gau of Essen the anti-Jewish actions had been carried out without his knowledge and that fortunately no Jew had met with his death here.

H1086-0009

MR. TAYLOR: There being no objection let the affidavit be marked PL 54D for identification.

-- -- --

DR LINK: I now desire to submit the affidavit of Dr. Anton Wolf, the summary of which is as follows:

Affidavit No. 54E, by Dr. Anton Wolf, of June 19 1946.

As a Gau judge of the Gau Suabia this witness also attended the meeting of the 9 and 10th of November 1938, in Berlin. Heydrich stated on this occasion that the party emphatically condemned those excesses. As soon as he had heard of them he had reported to Himmler with the result that renewed excesses would have to be prevented under all circumstances with the full employment of police power. This attitude corresponded to the order of Adolf Hitler who had raged when he had been told of the events. According to this the action had not been organized by the NSDAP, and it was supposed that in the future, too, the Party, as being opposed to such measures of violence, would try to accomplish solving the Jewish question by legal means.

MR. TAYLOR: There being no objection let the affidavit be marked PL 54E for identification.

-- -- --

DR LINK: I now desire to submit the affidavit of Dr. Ludwig Wolfschlag.

Affidavit No. 54F, by Dr. Ludwig Wolfschlag. Reichsminister of economics Funk stated at a meeting of the Gau economic advisors in the summer of 1938 that the Fuehrer hoped that by straightening the Jewish question, Germany's foreign

H1086 - 0010

political relationships would be improved. Therefore the Jews should be called upon to emigrate. As foreign countries would only accept them if they were able to transfer a part of their property, they were to make use of their international relations to enable additional German exports, in order to carry out the transfer of Jewish property with these proceeds. Gauleiter Simon of the Gau Koblenz expressed his opposition to the anti-Jewish action in severe terms on the occasion of an official meeting with his employees after his return from the Munish celebration of the 9 November 1938. In January 1939 Gauleiter Buerkel stated to the students of a course given by the Commission for economics in Munich thatGoering was highly indignant about the events of the 9th and 10th of November, 1938; that he would personally create order,and that he would take severest measures if such events should recur. Buerkel was strongly applauded.

MT TAYLOR: There being no objection let the affidavit be marked PL 54F for identification.

-- -- --

DR LINK: I now desire to submit the affidavit of Friedrich Mehringer.

Affidavit No. 54G, by Dr. ~~Ludwig~~ Friedrich Mehringer, of 13th April 1946. When the remainder of the Jews who had stayed in Munich were sent off in special transports during the first years of the war the above named political leader inquired at the Propaganda department of the Munich Kreisleitungas to the further fate of these Jews. He was told that the Jews were beingsent to Poland with their families and would be settled there in a closed area.

MR TAYLOR: There being no objection let the affidavit be marked

COMM A
2-5
Gallagher
3 August 1946
11-12
Affidavits

H1086-0011

PL 54G for identification.

-- -- --

DR. LINK: I now desire to submit the affidavit of Karl Friedrich Albert.

Affidavit No. 54H by Karl Friedrich Albert, of June 9 1946. In 1942 Himmler wrote a memorandum concerning the Jewish question, according to which Hitler was endeavoring to solve this problem in a legal and humane manner, even at a cost of from 25 to 30 billion Reichsmark. The memorandum proved that in this direction all steps imaginable had been taken. According to this memorandum everyone would have to suppose, that in spite of the events of 1938 the German leadership still intended in the fourth year of the war to settle the Jewish question by legal means, that is, by possibilities of emigration.

MR TAYLOR: Let the affidavit be marked PL 54H for identification, there being no objection.

-- -- --

DR. LINK: I now desire to submit the next group. The first one or the next group deals with the treatment of foreign civilian workers. 15,433 affidavits have been submitted on this question, all of which confirmed an unobjectionable and correct treatment of the foreign laborers employed in Germany amd which contradict the charge of a systematic opporession or mistreatment. The contents of these affidavits has been expressed in terse terms as a summarizing affidavit submitted by the witness Reinhart. In this connection reference is made to affidavit PL 55. I submit the following four individual affidavits hereto:

COMM A
2-6
Gallagher
3 August 1946
11-12
Affidavits

H1086-0012

I now submit affidavit as No. 55A by Alois Reinhart, Gauobmann of the German Labor Front of Mainfranken, and the affidavit by Karl Schoeneberger, departmental head of the Gau administration of the German Labor Front, as affidavit No. 55B.

MR TAYLOR: Affidavits 55A and 55B with the summary applying to both applicants.

DR. LINK: All instructions and measures taken by superior offices of the German Labor Front, or given to subordinate offices called for an absolutely proper, just and humane treatment of foreign workers. A whole series of model social institutions was created for the foreign workers. A systematic mistreatment of foreign workers or even a systematic treatment worse than that of the German workers is out of the question. Irregularities that occurred incidental to the difficult war events were remedied as well as they could. The foreign workers themselves repeatedly expressed their satisfaction with the treatment that was accorded them.

MR TAYLOR: There being no objection, let the affidavits be marked PL No. 55A and PL No. 55B for identification.

-- -- --

DR. LINK: I now desire to submit the affidavit of Rudolf Brill.

Affidavit No. PL 55C by Rudolf Brill, war economic advisor of the NSDAP at Eschwege. The witness who spent many years abroad and who was well-known in Buenos Aires, and New York as a retail merchant confirms that he himself in his capacity as Kreis economic advisor of the NSDAP participated in the quartering and maintenance of 2,200 foreign workers employed in Kreis Eschwege. The Russians, Frenchmen, Belgians and Dutch were quartered

//

H1086-0013

in a clean barracks-settlement in a manner permitting them to send for their families. Food, medical care and recreation of the foreign workers were such that they answered in every respect the demands made. Many ofthe quest workers had repeatedly expressed their decisions to remain in Germany after the war,too, in view of the standards of life they had met with here.

MR TAYLOR: There being no objection, let the affidavit be marked PL 55C for identification.

-- -- --

DR. LINK: I now desire to submit affidavit by Friedrich Speilmann.

Affidavit by Friedrich Spielmann, No. 55D, kreis farm-leader of Hannover-Muenden. The foreign agricultural workers employed in this sector were on the whole treated and fed very well. Almost without exception they took their meals together with the workers. Usually they had to be fully and newly clothed by the farmers, because when the workers arrived their clothing was without exception in a condition unfit to work in. All these workers were able to save large sums of money in the course of time,and to transfer these to their families.

MR TAYLOR: There being no objection, let the affidavit be marked PL 55D for identification.

-- -- --

DR. LINK: The next group treats of the destruction of trade unions. 5,157 affidavits have been submitted to this charge. These affidavits have been condensed in a comprehensive affidavit by witness Josef Reinhart. They prove that the dissolution of the trade unions has nothing to do with an exclusion of the expressions of opinion by the workers as being a war-preparatory measure,and that the union of all working-people in the later

H1086-0014

German Labor Front was a measure in the interest of labor itself. I refer to collective affidavit PL 56, and relating to it submit four individual affidavits:

Affidavit by Richard Haller, Kreisobmann of the German Labor Front in Gau Suabia, No. 56A. The various trade unions collapsed of their own accord shortly after the beginning of 1933,both financially and in their membership. The majority of trade-union members sought of themselves inclusion in the NSDAP, and simultaneously to their membership within the trade-union they also acquired membership in the NSBO. Not only the employees' but also the employers' unions were dissolved. The position of labor in relation to the State and to business had never been so strong as it was within the German Labor Front as a successful standard organization.

MR TAYLOR: There being no objection let the affidavit be marked PL 56A for identification.

-- -- --

DR. LINK: I now desire to submit affidavit of Otto Eberius.

Affidavit by Otto Eberius, No. 56B, Kreisobmann of the German Labor Front in Gau Magdeburg - Anhalt. The witness himself participated in the dissolution of trade unions in the Gau Magdeburg. The financial position of the farmers' union, and of the factory workers' union in Koethen for example, had become exceddingly bad. The members of this union had not paid their dues for a long time,so that the unions in their turn were no longer able to meet their obligations towards their members. The transfer occurred without any recourse to force. The German labor front took over the paid members of these organizations,and continued to employ them and pay them their salaries. It also met in full the claims of disabled members, and

H1086 - 0015

other claims due them.

MR TAYLOR: There being no objection let the affidavit be marked PL 56B for identification.

-- -- --

DR. LINK: I now desire to submit the affidavit of Ernst Bauer.

Affidavit by Ernst Bauer, No. 56C, Kreis auditor of the German Labor Front for Marburg/Lahn. Witness had originally been himself a member of the employees' trade union in Hanau/Main. The claims arising out of this membership were recognized in full,and later met by the German Labor Front.

MR TAYLOR: There being no objection let the affidavit be marked PL 56C for identification.

-- -- --

DR. LINK: I now desire to submit affidavit by Karl Eichmann.

Affidavit by Karl Eichmann, No. 56D, Kreiswirtschaftsberater der NSDAP, Gau Kurhessen. This witness too had been a member of a dissolved employees' trade union. He had belonged to the former German-National business clerks' union and became a member of the German Labor Front. He did not suffer any disadvantages arising out of the dissolution of this union. The financial and social claims that had accrued to him were completely recognized and met.

MR TAYLOR: Let the affidavit be marked PL 56D for identification, there being no objection.

-- -- --

DR. LINK: I now desire to submit affidavitsof a group that deals with events in concentration camps. 23,060 have been submitted con-

H1086-0016

cerning the events in concentration camps as charged by the prosecution. They have been condensed by the witness Dr. Richard Mueller in affidavit PL 57. It proves that the political leaders had nothing to do with the planning, building and administration of concentration camps; further, that they had no jurisdiction whatsoever for the sending of people into concentration camps, and also that they did not have the slightest knowledge of alleged events in the concentration camps. In connection with this condensed affidavit I submit the following two individual affidavits, that shed special light on the fact as claimed that the political leaders simply did not know anything of the alleged occurrences in concentration camps.

Affidavit by Heinrich Siekmeier, No. 57A, former deputy Gauleiter of Thuringia. After having obtained the consent of Reichsfuehrer SS Himmler, the witness made the visit of 150 Americans travelling in Germany in the Spring of 1939 to Concentration Camp Buchenwald possible. No preparations had been made for the visit. The inmates with which the American guests came into contact were, on the whole, criminals. The quarters and sanitary installations of the camp had not given the slightest rise to any negative criticism whatsoever. The cleanliness found here, and the good physical condition of the inmates met with special approval by the guests. In view of representations of concentration camos in Germany, as given in America, the members of the delegation were surprised at the conditions as they had actually found them, and were prepared to enlighten the people accordingly after their return.

MR TAYLOR: There being no objection let the affidavit be marked PL 57A for identification.

H1086-0017

DR. LINK: I now desire to submit the affidavit by Walter Wuensche.

Affidavit by Walter Wuensche, No. 57B, head of the Kreis personnel office of the Gau Thuringia. Incident to a course at the customs school in Berlin,the witness had the chance of visiting the concentration camp Sachsenhausen near Oranienburg. The condition of the camp was exemplary in every respect. The cleanliness of the quarters and the physical condition of the inmates were especially noticeable. The management of the camp gave the express assurance that it was strictly prohibited to mistreat inmates in any way whatsoever. Instruments of torture or execution were not seen. Nor did anything indicate that there were any. In other respects,too, there was no evidence of mistreatment of inmates.

MR TAYLOR: There being no objection let the affidavit be marked PL 57B for identification.

-- -- --

DR. LINK: Next is the indictment charge "Einsatzstab Rosenberg."

Former political leaders have submitted 9,870 affidavits concerning the charges of the prosecution against the Einsatzstab Rosenberg. They have been condensed in an affidavit by witness Dr. Richard Mueller. In all declarations it is again and again pointed out that the political leaders had nothing to do with the institution Einsatzstab Rosenberg, nor with its work,and that the majority of political leaders did not even know anything of the existence of the Einsatzstab Rosenberg. I refer to this summarizing affidavit number PL58. It has been translated into English. In addition I submit the following individual affidavit of the witness Kuenzler, who was Bereichsleiter in the Reichsfinance administration office of the NSDAP.

H1086-0018

Affidavit by Karl Kuenzler, Bereichsleiter in the Reichsfinance administration office of the NSDAP, No. 58A. Rosenberg was given the personal commission of salvaging and safe-guarding art treasures and other cultural objects in the occupied areas that were in danger of destruction considering the events of the war. Using them for personal purposes was out of the question. In any case these valuable objects were to be made the basis of reparations questions at coming peace conferences. The Einsatzstab Rosenberg was not a formation of the party,nor a selected committee of political leaders,but an independent office. The members of this Einsatzstab wore special uniforms completely distinct from the Party uniforms. Foreigners were also members of the Einsatzstab. Salaries and other expenses were paid by the treasurer of the NSDAP as an advance only. Repayment of this money had been provided for. Those persons who knew of the existence of the staff for official reasons also did not know anything of criminal measures.

MR TAYLOR: There being no objection let the affidavit be marked PL No. 58A for identification.

-- -- --

DR LINK: The next subject deals with Euthanasia. 7,794 affidavits have been submitted by former political leaders. Their contents have been summarized in an affidavit by witness Richard Adam. These affidavits unanimously show, that the political leaders as a group not only did not have anything to do with the application of Euthanasia measures,but also that they did not have any knowledge of the existence of an order Hitler's to Bouhler to this effect. I refer to summarizing affidavit PL 59. The following three individual affidavits are submitted in connection with it.

Affidavit by Karl Hederich, No. PL 59A, deputy chairman of the offi-

H1086 - 0019

cial party censorship commission of NS publications. The order issued by Hitler to Bouhler and Dr. Brand in September 1939 concerning the granting of the so-called mercy-death was a "secret special order" of which neither the Ortsgruppenleiter and Kreisleiter, nor the Gauleiter, and not even the Reichsleiter knew anything. Only those who had directly anything to do with this matter were in a position to know of it, considering the strict maintenance of secrecy. This applied especially to medical commissions. The party as such, or even a certain group of functionaries, or a similar group,did not receive any information concerning this.

MR. TAYLOR: There being no objection let the affidavit be marked PL 59A for identification.

-- -- --

DR. LINK: I now desire to submit affidavit by Dr. Bruno Engel.

Affidavit by Dr. Bruno Engel, No. 59B, ministerial counsellor in a Reichsministry. Dr. Engel, who was a member of the Reichsministry of the Interior in his capacity as physician and ministerial counsellor, knew of the order of Hitler to Reichsleiter Bouhler and the physician Dr. Brand concerning the granting of the mercy-death. Not until the year 1943 did he hear by chance of the fact, that is, not through official channels, that in some sanitoriums and nursing homes of incurably insane persons, the so-called mercy-death would be granted. He had also heard of scientific experiments with malaria germs performed on mental patients. But he had not connected this procedure with anything contrary to medical ethics, because the treatment of mental patients through inoculations of malaria germs was a generally recognized cure.

MR TAYLOR: There being no objection let the affidavit be marked PL 59B for identification.

H1086-0020

DR LINK: I now desire to submit affidavit by Dr Ferdinand Dietrich.

Affidavit by Dr (MD) Feridnand Dietrich, physician and former Kreisleiter of Wuertemberg, as No. 59C. The witness who was a physician and Kreisleiter at the same time in 1940 heard by way of rumor that mental patients and feebleminded people in institutions were being done away with by some sort of operation. Upon inquiries on this point he was told that under very definite conditions, and after detailed investigation of all the circumstances, incurable mental patients, and highly feebleminded persons could be given euthanasia to put an end to their sufferings upon the decision of a committee of doctors composed for this purpose. This information was given to him privately as a physician and not in his capacity as Kreisleiter. The political leaders as such were at no time informed of this measure in any form whatsoever, not even "confidentially" or "secretly."

MR TAYLOR: There being no objection let the affidavit be marked PL 59C for identification.

-- -- --

DR. LINK: My next group deals with Conspiracy against Peace, of which affidavit bearing number PL 60 includes 32 affidavits. I am submitting special list of names of these thirty-two.

MR. TAYLOR: What is the summary of these affidavits, Dr. Link?

DR. LINK: The summary of these affidavits is the summary of 27,735 political leaders who have submitted declarations from various camps concerning the charge of participation in a conspiracy against peace. All these affidavits contradict the assumption of a conspiracy, or the existence of a plan to wage wars of aggression. They have been condensed and summarized in an affidavit by the witness Bolko von Roedern. Besides this

H1086 - 0021

thirty-two former political leaders from various party offices, having various political leader party-ranks, of various civilian professions and from various Gaus, have submitted declarations, comprised in a uniform questionnaire especially treating of the alleged conspiracy, in the form of affidavits. These declarations represent a cross-cut of the large circle of political leaders and as such give a correct representation of the true situation. I submit these thirty-two declarations to the commission together with the sample of a questionnaire that I should like to have shown on the record. The mentioned declarations are all to the effect that the political leaders never considered their work as being directed towards a war, that they considered Hitler's repeated declarations of peace serious, that they were at no time conscious of the fact of having any part in a conspiracy to start wars of aggression, and in the execution of war crimes and crimes against humanity, and also that the alleged individual crimes were unknown to them.

MR TAYLOR: There being no objection let the affidavit be marked PL No. 60 for identification.

-- -- --

DR. LINK: The next group deals with Lynching. I now desire to submit affidavit by Karl Scholtis.

Affidavit by Karl Scholtis of June 22, 1946. The witness was Ortsgruppenleiter in the Gau Westphalia-South. He did not receive any order whatsoever either from Gauleiter Albert Hoffman, or from the Party Chancellory, or any police authorities according to which attempts on the part of the population to mistreat allied parachutists, or even to lynch them were not to be interfered with. Nor did any such incident occur. The

H1086 - 0022

instructions were to the effect to treat such aviators properly as prisoners of war. Accordingly the political leaders rescued, treated and cared for these allied aviators who had bailed out and handed them over to the competent police authorities. The political leaders successfully protected the allied fliers from foreign laborers, especially Poles and Russians, who wanted to injure them.

MR TAYLOR: There being no objection let the affidavit be marked PL 61A for identification.

-- -- --

DR LINK: I now desire to submit affidavit by Georg Brueckmann.

Affidavit by Georg Brueckmann as No. 61B, of June 9 1946. The witness was Kreisleiter in the Ga Hessia-Nassau. There crews of American planes repeatedly bailed out. They were arrested, fed, and properly treated. The Kreisleiter neither received nor issued any orders to mistreat or kill them.

MR TAYLOR: There being no objection let the affidavit be marked PL No. 61B for identification.

-- -- --

DR. LINK: I now desire to submit affidavit by Wilhelm Haus.

Affidavit by Wilhelm Haus, No. 61C, of June 9,1946. The witness was Kreisleiter in Wetzlar. He knows a number of cases where Allied parachutists were fed, and as far as necessary, given medical treatment. No aviator who had bailed out alive, nor any dead flier was ever treated in any but the proper manner. The dead fliers were buried in individual coffins in consecrated ground. An American captain declared to the witness in the summer of 1945 that after having visited all the graves of Allied

H1086 - 0023

aviators in the Kreis Wetzler he did not see any reason for sending a report to .....

MR TAYLOR: There being no objection let the affidavit be marked PL 61C for identification.

-- -- --

DR LINK: I now submit the affidavit by Otto Naumann.

Affidavit by Otto Naumann, No. 61D, of June 9 1946. The witness was Kreisleiter in Gau Saxony. After the severe air raid on Leipzig he looked after a number of Allied aviators who had bailed out. Allof them were treated properly and handed over to the competent military authorities after having been given medical aid if necessary.

MR TAYLOR: There being no objection let the affidavit be marked PL No. 61D for identification.

-- -- --

DR. LINK: I now desire to submit the affidavit by Friedrich Hildebrandt as No. 61E of April 18 1946. The witness was Gauleiter of Mecklenburg. In order to make the wellknown article by Goebbels of May 1944 ineffective, he immediately issued to all his subordinate offices the order to adhere strictly to the provisions of the Convention of Geneva and the Hague Agreement, in cases of bailed out fliers, too. The Volkssturm was informed to the same effect. In all cases of this kind they acted accordingly. The English aviators, Major Churchill and Captain James, for example, who had escaped from a camp, were apprehended by an Ortsgruppenleiter,and in agreement with the Kreis and Gauleiter were again handed over to the Wehrmacht. In one case, a Kreisleiter opposed the will of the population in order to

H1086-0024

protect an aviator and drove him to a safe place in his official car.

MR TAYLOR: There being no objection let the affidavit be marked PL 61E for identification.

-- -- --

DR LINK: I now desire to submit affidavit by Karl Weber.

Affidavit by Karl Weber, No. 61F, of May 30,1946. The Gauleiter of the Gau "estmark of the NSDAP had instructed all his offices to treat Allied aviators as prisoners of war,and to hand them over to the nearest police-patrol.

MR TAYLOR: There being no objection let the affidavit be marked PL 61F for identification.

-- -- --

DR. LINK: I now desire to submit affidavit by Franz Hofer.

An Affidavit by Franz Hofer, No. 61G, of April 20,1946. The witness was Gauleiter in Tirol-Vorarlberg. In this sector a large number of Allied fliers bailed out without a single case of mistreatment, to say nothing of killing, becoming known. The Gauleiter himself drove such aviators in his car to the competent police station after a raid on residential quarters in Innsbruck . He issued instructions to all offices that such viators were to be handed over to the police and gendarmerie. Even parachutist agents who had the mission of organizing a resistance movement and that did not have to be treated as prisoners of war according to the Hague Military Convention were taken into the protection of the Gauleiter and remained on his farm until after the capitulation.

MR TAYLOR: There being no objection let the affidavit be marked PL 61G for identification.

H1086 - 0025

DR LINK: I now desire to submit affidavit by Paul Wegener.

Affidavit by Paul Wegener, No. 61H, of 9 June 1946. The witness was Gauleiter of Gau Weser-Ems. In spite of Goebbel's article and Himmler's instructions to the police he took steps to see to it that Allied aviators were properly handed over to the police, although frequently women and children, farmers who were plowing, milkwagons and private vehicles were shot at with bord-weapons. Although several thousand Allied aviators bailed out over this Gau, not a single case became known where they or any were mistreated or even lynched. Fliers, shot down over the Isle of Norderney, and were floating on the North Sea, were rescued by the German Lifesaving Service in boats and handed over to the Wehrmacht authorities.

MR TAYLOR: There being no objection let the affidavit be marked PL 61H for identification.

-- -- --

DR LINK: The next group is number sixty-two. Affidavit by Dr. Cajus Fabricius of July 17,1946, as No. 62A. The witness has been an University Professor of Protestant Theology for a number of years. He was to a certain extent persecuted by the highest Party-officials, especially Himmler. He summarizes the publications of the Party concerning their attitude to the different Christian Churches. According to this the party was not only theoretially,but also actually, based on positive Christianity. The fight against the Church was carried on by private persons outside the NSDAP, by private clubs,and also by individual party members contrary to the principles of the Party and the State. It was supported neither by the State nor by the Party. This fight was never intended as a means for the purpose of preparing aggressive wars, or the alleviation of crimes

H1086 - 0026

against humanity. Its aim, more or less evident, was rather the realization of some form of religiousness of an anthropologic or naturalistic nature. The basically positive attitude of the Party towards the Churches did not change, because of this and only a small majority of political leaders left the Church for the reasons mentioned. According to the census of 1939, 95% of Germans belonged either to the Protestant or Catholic Church. From 1933 to 1939 only 1.4% left the Church. According to statistic proofs the large majority of political leaders remained faithful to the church. Many re-entered the Church after 1933, and played an active part in it as members of Protestant Church Councils and Synods,for example, Many of the clergy were members of the NSDAP and political leaders.

MR TAYLOR: There being no objection let the affidavit be marked PL 62A for identification.

-- -- --

DR LINK: I now desire to submit affidavit by Karl Heinz Buth, as No. 62B, 24 July 1946. This witness is a Protestant Theologist who held a leading position in Rosenberg's office as political leader. His testimony coincides with that of Dr. Fabricius who was at odds with the supreme leadership group of the party. Witness does not know of any order of the NSDAP according to which party members or political leaders were forced to leave the Church, or were supposed to resign from a Church office. The party has not supported any "Germanic believers"(Deutschglaubige) or socalled neo-heathen groups. The attitude that every German had freedom of Belief was never changed. The fact that there were people in the NSDAP too who were opposed to religious denominations is due to certain anti-religious statements of important NSDAP leaders. This was, however, their personal opinion, and never

H1086 - 0027

an official party declaration. Rosenberg's book "Der Mythos des 20. Jahrhundert's" has never had the character of official party opinions. Only a few of the political leaders read it, and only a fraction of them understood it. Foremann's circular from 1941 was severly opposed by Rosenberg and later withdrawn. Many dignitaries of the Church cooperated positively with Rosenberg's office. After the seizure of power,there was a renewed influx of Germans who had previously left it into the Church. Many theologists were political leaders up to the very end. Many political leaders played an active role in the Church until the collapse. When an unauthorized order was issued in Bavaria,and Wuertemberg to remove crucifixes from public buildings, political leaders of all ranks, from the Gauleiter down to the Ortsgruppenleiter,raised severe protest and prevents the execution of this order.

MR TAYLOR: There being no objection let the affidavit be marked PL No. 62B for identification.

-- -- --

DR. LINK: I now desire to submit affidavit by Wolfgang Graf Wolff-Metternich as No. 62C, of July 24 1946. The witness found on the occasion of numerous negotiations with high Catholic Church circles and party leaders, that the party opposed any fight against the Church. Goering appointed Bishop Groeber and Bishop Dr. Berning members of his council of State. In January 1933 Hitler declared that it was nonsense to accuse him of being opposed to the Church. He said he was a politician and not a founder of religion. A religion had to grow from out of the nation, it could not simply be founded. Hitler expressly termed Rosenberg's book a private piece of work. He didn't

H1086-0028

like it either,and he had told Rosenberg that he could very well wait a few years before having his book published; if it were an opus that would survive the centuries. But, if it were not so valuable it wouldn't matter if it did not become known at all. In 1936 Himmler addressed the society of German nobility concerning the setup of the SS and his school of Junkers. He declared that according to his instructions here,too, the belief of the different denominations might not be attacked. The later Church fights of individuals gave no sign of my intention to wage agressive war. No statement, preparation, or anything similar gave rise to the suspicion that Hitler was either able or wanted to plan or prepare war via the Church fight.

MR TAYLOR: There being no objection let the affidavit be marked PL 62C for identification.

-- -- --

DR. LINK: I now desire to submit affidavit by Albert Wallwey, as No. 62D, of April 19 1946. From 1932 until 1937 the witness was Hitler-Youth district leader and later Kreisleiter. At a convention of all district leaders of the Hitler Youth in Berchtesgaden in 1935, or 1936, Hitler held a two-hour speech in which he said that he was opposed to the Church fight, and that he was not the heralder of a new religion, nor the party the originator of a new religion. He termed it his unalterable will to adhere strictly to the Concordat. Every German, party member,and political leader had the right to belong to a church without having any disadvantages from it. A German who did not believe in God could only be a bad German. Whoever committed excesses against the Church was an iconoclast, and harmed the reputation of the party. This speech later determined the behavior and work

H1086 - 0029

of the witness as Youth Leader and Kreisleiter.

MR TAYLOR: There being no objection let the affidavit be marked PL 62D for identification.

-- -- --

DR LINK: I now desire to submit affidavit by Karl Hederich, as No. 62E, of 28 June 1946. The witness was a member of the Reichsleitung for more than ten years, and held the position of chairman of the official party-censorship commission of national socialist literature. Upon innumerable inquiries he was told that according to Hitler's instructions Rosenberg's book was to be considered his personal private works, and by no means official.. Many speeches and personal interviews with Hitler proved that he merely wanted a separation of Church and State but not a persecution of the Church.

MR TAYLOR: There being no objection let the affidavit be marked PL 62E for identification.

-- -- --

DR LINK: I now desire to submit affidavit by Karl Hederich, as No. 62F, of 31 July 1946. The witness, as Befehlsleiter of the Reichsleitung, was officially concerned with Bormann's circular directed against Christianity - document D 75, USA Exhibit 346. When he heard of it he objected immediately as instructed and found that Adolf Hitler had not given his authorization. He had Bormann advised immediately to destroy the book as it in no wise corresponded to the official party view. The witness also knows of the correspondence mentioned by the prosecution between Bormann and Rosenberg. Bormann's opinion was always considered private and his

H1086-0030

attempts to impose them on the party as a whole were already rejected by the Reichsleitung. The witness has never received nor seen any instructions from which any intention of extermination on the part of the party concerning Christianity could be inferred. He would, in any case, have known of such an intention by reason of the position he held. He saw and knew only that intention of wanting to "depoliticise" religious life, and of wanting to separate the Church and the State.

MR TAYLOR: There being no objection let the affidavit be marked PL-62F for identification. Do you have any further affidavits, Dr. Link, besides these just presented?

DR LINK: No, not any.

MR TAYLOR: Then the Commission will recess.

(END)

H1086 - 0031

The foregoing is atrue and correct transcript of the submission of Affidavits by DR. LINK, taken on 3 Augyst 1946.

Reporter (pp 1-5

Charles J. Gallagher
Reporter (pp 6-79

CERTIFIED TO :

Geo. R. Taylor
Commissioner

H1086 - 0032

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

3 August 1946.

COMMISSIONER:

Mr. George R. Taylor.

POLITICAL LEADERS

(THE COMMISSION CONVENED AT 1040 HOURS.)

The Prosecution was not represented.

COMMISSIONER: Proceed with your affidavits, Dr. Link.

DR. LINK: Should we adopt the same procedure as last time about enumerating the affidavits consecutively and then have the summary of each one translated, and then have the reporter copy the summaries?

COMMISSIONER: Yes, that is the way we shall proceed. How many do you have?

DR. LINK: I have not counted them, but I should like to let you know that the affidavits are summarized. 155,000 affidavits have already been submitted and are being submitted, and for each group of these collective affidavits I should like to submit a few of the most important ones. I like this procedure that has already been agreed upon by Colonel. Neave and Miss Sheriff to be adopted -- that is, if affidavits are submitted referring to collective group 54 that these affidavits be numbered 54 a, b, c, etc.

COMMISSIONER: Have you any affidavits here that you're going to request be translated?

DR. LINK: No, it is not necessary.

COMMISSIONER: All right, let's submit them as agreed.

DR. LINK: Must I submit them individually, and explain them, or will it be sufficient if the same procedure as the last is adopted: you enumerate each one as each are handed up.

COMMISSIONER: All right, proceed now.

H1086-0033

DR. LINK: The first is PL-54A. In defense of the "Corps of Political Leaders" I should like to submit the following affidavits and make the following explanatory remarks in connection with them:

A cooperative group, consisting of members of organizations - present here - has completely sorted and grouped the large number of statements received from a total of 25 camps in the American, British and French Zones. These declarations, submitted by about 38,000 political leaders, number 155,936.

The result consists of the Group-report by Karl Hederich, (PL-53), and of the following individual declarations:

Jewish persecutions, especially as to events of the 9th and 10th of November 1938 by Edward Kuebe (PL 54).

Treatment of foreign civilian labor and prisoners of war by Josef Reinhart (PL 55).

Dissembling of Trade Unions by Josef Reinhart (PL 56).

Concentration Camps by Richard Mueller (PL 52).

Operational Staff Rosenberg by Richard Mueller (PL 58).

Euthanasia by Karl Richard Adam (PL 59).

Conspiracy against Peace by BolkeGr. v. Roedern (PL 60).

Lynching by Heinrich Walkenhorst (PL 61).

Fight against the Church by Reinhart Schoen (PL 62).

And, finally, of two reports submitted as affidavits from one small and one large internment camp, respectively:

Camp C.I. 91 Darmstadt, by Paul Wegener (PL 63)

Camp C.I. 8 Garmisch, by Dr. Ernst Bayerlein (PL 64).

As a supplement to the above affidavits that have already been submitted and approved for translation, a few of the individual affidavits belonging to the group-affidavits are being submitted as follows:

PL 54A, by Dr. Ernst Volkmann dated 15.7.1948.

A special senate, attached to the Supreme Party Court, was formed to investigate legally, and prosecute the excesses against the Jews of the 9th and 10th of November 1938. Dr. Volkmann was one of the judges. In this capacity

H1086 - 0034

he found out that the action had been suggested by Goebbels, but was not organized nor carried out according to uniform instructions. Accordingly, the time, extent and nature of the excesses varied very much within the individual districts and even within individual Gaus. The same applies to the organization membership of the local offenders. The fact that political leaders only played a small role in the excesses compared with the affiliated organizations is significant. Several Gauleiters did not learn of the excesses in their Gaus until they had returned from Munich, and put an end to the measures started against their will.

The investigations showed that almost without exception the political leaders most strongly opposed and condemned the excesses, as not being in conformity with the ambitions of the Party and as being hurtful to its reputation.

It was proved without doubt that the action had not been prepared nor carried out according to planned instructions by one uniform group or organization.

COMMISSIONER: There being no objection to this affidavit, let it be marked PL No. 54A for identification.

* * * * * * * *

DR. LINK: I now desire to submit the affidavit of Walter Buch, the summary of which is as follows:

Affidavit 54B by Walter Buch, of June 11, 1946. The report written by Buch's chief of staff, Schneider (concerning the investigation of the events of the 9th and 10th of November 1938), and passed on to Goering by the Supreme Party Court, was to help the fight of Supreme Party Court, and the principle to call whoever was responsible to account and not to have to punish only the little offender. In spite of its carefully chosen wording, the report is evidently directed against Goebbels, as shown by the criticism of events and especially by the conclusion. The suggestion of having the State Legal System suppressed any cases is to be understood in this sense too. The Supreme Party Court did not want to have the small offenders prosecuted before having taken any decisions concerning those who were responsible. A special Senate was

H1086-0035

was composed attached to the Supreme Party Court, which was further staffed with political leaders, and leaders of affiliated organizations, because the question concerned was a political one.

MR. TAYLOR: There being no objection, let the affidavit be marked PL 54B for identification.

* * * * * * * *

DR. LINK: Affidavit of Karl Hederich, 31 July, 1946. The affianced was present at the meeting of the 9th of November 1938, and also heard Dr. Goebbel's speech. For years he had had an official and personal connection with the Stabsleiter of the Supreme Party Court, Ludwig Schneider. Schneider stated several times that the result of his investigations within the special Senate had shown that Dr. Goebbels was the instigator of these damnable events because he had encouraged demonstrations, and had thereby proceeded in a manner that caused confusion among the party-members concerned, and that was in open contradiction to the instructions of the Fuehrer. He, Schneider, would have to ask that above all Goebbels be called to account. It was impossible to punish the small offender, and let the big ones go unscathed. His aim was to have Goebbels called to account, and he hoped for the support of Goering and Bouhler. His report to Goering was to help in establishing the responsibility of Dr. Goebbels. Bouhler, the former head of the chancellory of the Fuehrer, actually confirmed that the overthrow of Goebbels was to be counted on. The crisis concerning Dr. Goebbels did not end until August 1939.

MR. TAYLOR: There being no objection, let the affidavit be marked PL 54C for identification.

* * * * * * * * *

DR. LINK: I now desire to submit the affidavit of Wilhelm Kattwinkel, the summary of which is as follows:

Affidavit No. 54D, by Wilhelm Kattwinkel. Kattwinkel, as a Gau Judge in the Gau of Essen, took part in a meeting of Gauleiters in Berlin in November 1938 to which the Gay judges had also been invited. Heydrich, who later became Obergruppenfuehrer, was chairman of the meeting. He stated that the Fuehrer had called the anti-Jewish actions that had taken place against his will

H1086 - 0036

insanity, and had demanded that an example be made of the offenders. Witness reported on this to his former Gauleiter. His Gauleiter also stated that in his Gau of Essen the anti-Jewish actions had been carried out without his knowledge and that fortunately no Jew had met with his death here.

MR. TAYLOR: There being no objection let the affidavit be marked PL 54D for identification.

* * * * * * * *

DR. LINK: I now desire to submit the affidavit of Dr. Anton Wolf, the summary of which is as follows:

Affidavit No. 54E, by Dr. Anton Wolf, of June 19, 1946.

As a Gau judge of the Gau Suabia this witness also attended the meeting of the 9th and 10th of November 1938, in Berlin. Heydrich stated on this occasion that the party emphatically condemned those excesses. As soon as he had heard of them he had reported to Himmler with the result that renewed excesses would have to be prevented under all circumstances with the full employment of police power. This attitude corresponded to the order of Adolf Hitler who had raged when he had been told of the events. According to this the action had not been organized by the NSDAP, and it was supposed that in the future, too, the Party, as being opposed to such measures of violence, would try to accomplish solving the Jewish question by legal means.

MR. TAYLOR: There being no objection let the affidavit be marked PL 54E for identification.

* * * * * * *

DR. LINK: I now desire to submit the affidavit of Dr. Ludwig Wolfschlag.

Affidavit No. 54F, by Dr. Ludwig Wolfschlag. Reichsminister of economics Funk stated at a meeting of the Gau economic advisors in the summer of 1938 that the Fuehrer hoped that by straightening the Jewish question, Germany's foreign political relationships would be improved. Therefore the Jews should be called upon to emigrate. As foreign countries would only accept them if they were able to transfer a part of their property, they were to make use of their international relations to enable additional German exports, in order to carry out the transfer of Jewish property with these proceeds. Gauleiter Simon of

H1086 - 0037

of the Gau Koblenz expressed his opposition to the anti-Jewish action in severe terms on the occasion of an official meeting with his employees after his return from the Munich celebration of the 9th November 1938. In January 1939 Gauleiter Buerkel stated to the students of a course given by the Commission for economics in Munich that Goering was highly indignant about the events of the 9th and 10th of November, 1938; that he would personally create order, and that he would take severest measures if such events should recur. Buerkel was strongly applauded.

MR. TAYLOR: There being no objection let the affidavit be marked PL 54F for identification.

* * * * * *

DR. LINK: I now desire to submit the affidavit of Friedrich Mehringer.

Affidavit No. 54G, by Dr. Friedrich Mehringer, of 13th April 1946. When the remainder of the Jews who had stayed in Munich were sent off in special transports during the first years of the war the above named political leader inquired at the Propaganda department of the Munich Kreisleitungas to the further fate of these Jews. He was told that the Jews were being sent to Poland with their families and would be settled there in a closed area.

MR. TAYLOR: There being no objection let the affidavit be marked PL 54G for identification.

* * * * * *

DR. LINK: I now desire to submit the affidavit of Karl Friedrich Albert.

Affidavit No. 54H by Karl Friedrich Alber, of Jun 9, 1946. In 1942 Himmler wrote a memorandum concerning the Jewish question, according to which Hitler was endeavoring to solve this problem in a legal and humane manner, even at a cost of from 25 to 30 billion Reichsmark. The memorandum proved that in this direction all steps imaginable had been taken. According to this memorandum everyone would have to suppose, that in spite of the events of 1938 the German leadership still intended in the fourth year of the war to settle the Jewish question by legal means, that is, by possibilities of emigration.

MR. TAYLOR: Let the affidavit be marked PL 54H for identification, there being no objection.

H1086 - 0038

DR. LINK: I now desire to submit the next group. The first one or the next group deals with the treatment of foreign civilian workers. 15,433 affidavits have been submitted on this question, all of which confirmed an unobjectionable and correct treatment of the foreign laborers employed in Germany and which contradict the charge of a systematic oppression or mistreatment. The contents of these affidavits has been expressed in terse terms as a summarizing affidavit submitted by the witness Reinhart. In this connection reference is made to affidavit PL 55. I submit the following four individual affidavits hereto:

I now submit affidavit as No. 55A by Alois Reinhart, Gauobmann of the German Labor Front of Mainfranken, and the affidavit by Karl Schoeneberger, departmental head of the Gau administration of the German Labor Front, as affidavit No. 55B.

MR. TAYLOR: Affidavits 55 A and 55B with the summary applying to both applicants.

DR. LINK: All instructions and measures taken by superior offices of the German Labor Front, or given to subordinate offices called for an absolutely proper, just and humane treatment of foreign workers. A whole series of model social institutions was created for the foreign workers. A systematic mistreatment of foreign workers or even a systematic treatment worse than that of the German workers or even a systematic treatment worse than that of the German workers is out of the question. Irregularities that occurred incidental to the difficult war events were remedied as well as they could. The foreign workers themselves repeatedly expressed their satisfaction with the treatment that was accorded them.

MR. TAYLOR: There being no objection, let the affidavits be marked PL No. 55A and PL No. 55B for identification.

* * * * * * *

DR. LINK: I now desire to submit the affidavit of Rudolf Brill.

Affidavit No. PL 55C by Rudolf Brill, war economic advisor of the NSDAP at Eschwege. The witness who spent many years abroad and who was well-known in Buenos Aires, and New York as a retail merchant confirms that he himself

H1086 - 0039

in his capacity as Kreis economic advisor of the NSDAP participated in the quartering and maintenance of 2,200 foriegn workers employed in Kreis Eschwege. The Russians, Frenchmen, Belgians and Dutch were quartered in a clean barracks-settlement in a manner permitting them to send for their families. Food, medical care and recreation of the foreign workers were such that they answered in every respect the demands made. Many of the quest workers had repeatedly expressed their decisions to remain in Germany after the war, too, in view of the standards of life they had met with here.

MR. TAYLOR: There being no objection, let the affidavit be marked PL 55C for identification.

* * * * * *

DR. LINK: I now desire to submit affidavit by Friedrich Speilmann.

Affidavit by Friedrich Spielmann, No. 55 D, kreis farm-leader of Hannover-Muenden. The foreign agricultural workers employed in this sector were on the whole treated and fed very well. Almost without exception they took their meals together with the workers. Usually they had to be fully and newly clothed by the farmers, because when the workers arrived their clothing was without exception in a condition unfit to wotk in. All these workers were able to save large sums of money in the course of time, and to transfer these to their families.

MR. TAYLOR: There being no objection, let the affidavit be marked PL 55D for identification.

* * * * * * * *

DR. LINK: The next group treats of the destruction of trade unions. 5,157 affidavits have been submitted to this charge. These affidavits have been condensed in a comprehensive affidavit by witness Josef Reinhart. They prove that the dissolution of the trade unions has nothing to do with an exclusion of the expressions of opinion by the workers as being a war-preparatory measure, and that the union of all working-people in the later German Labor Front was a measure in the interest of labor itself. I refer to collective affidavit PL 56, and relating to it submit four individual affidavits?

Affidavit by Richard Haller, Kreisobmann of the German Labor Front in Gau Suabia, No. 56A. The various trade unions collapsed of their own accord

H1086 - 0040

shortly after the beginning of 1933, both financially and in their membership. The majority of trade-union members sought of themselves inclusion in the NSDAP, and simultaneously to their membership within the trade-union they also acquired membership in the NSBO. Not only the employees' but also the employers' unions were dissolved. The position of labor in relation to the State and to business had never been so strong as it was within the German Labor Front as a successful standard organization.

MR. TAYLOR: There being no objection let the affidavit be marked PL 56a for identification.

* * * * * *

DR. LINK: I now desire to submit affidavit of Otto Eberius.

Affidavit by Otto Eberius, No. 56B, Kreisobmann of the German Labor Front in Gau Magdeburg - Anhalt. The witness himself participated in the dissolution of trade unions in the Gau Magdeburg. The financial position of the farmers' union, and of the factory workers' union in Koethen for example, had become exceedingly bad. The members of this union had not paid their dues for a long time, so that the unions in their turn were no longer able to meet their obligations towards their members. The transfer occurred without any recourse to force. The German Labor Front took over the paid members of these organizations, and continued to employ them and pay them their salaries. It also met in full the claims of disabled members, and other claims due them.

MR. TAYLOR: There being no objection let the affidavit be marked PL 56B for identification.

* * * * * *

DR. LINK: I now desire to submit affidavit of Ernst Bauer.

Affidavit by Ernst Bauer, No. 56C, Kreis auditor of the German Labor Front for Marburg/Lahn. Witness had originally been himself a member of the employees' trade union in Hanau/Main. The claims arising out of this membership were recognized in full, and later met by the German Labor Front.

MR. TAYLOR: There being no objection let the affidavit be marked PL 56C for identification.

* * * * * *

H1086 - 0041

DR. LINK: I now desire to submit affidavit by Karl Eichmann.

Affidavit by Karl Eichmann, No. 56D, Kreiswirtschaftsberater der NSDAP, Gau Kurhessen. This witness too had been a member of a dissolved employees' trade union. He had belonged to the former German-National business clerks' union and became a member of the German Labor Front. He did not suffer any disadvantages arising out of the dissolution of this union. The financial and social claims that had accrued to him were completely recognized and met.

MR. TAYLOR: Let the affidavit be marked PL 56D for identification, there being no objection.

* * * * * * *

DR. LINK: I now desire to submit affidavits of a group that deals with events in concentration camps. 23,060 have been submitted con-

H1086 - 0042

cerning the events in concentration camps as charged by the prosecution. They have been condensed by the witness Dr. Mueller in affidavit PL 57. It proves that the political leaders had nothing to do with the planning, building and administration of concentration camps; further, that they had no jurisdiction whatsoever for the sending of people in to concentration camps, and also that they did not have the slightest knowledge of alleged events in the concentration camps. In connection with this condensed affidavit I submit the following two individual affidavits, that shed special light on the fact as claimed that the political leaders simply did not know anything about the alleged occurrences in concentration camps.

Affidavit by Heinrich Siekmeier, No. 57A, former deputy Gauleiter of Thuringia. After having objained the consent of Reichsfuehrer SS Himmler, the witness made the visit of 150 Americans travelling in Germany in the Spring of 1939 to Concentration Camp Buchenwald possible. No preparations had been made for the visit. The inmates with which the American guests came into contact were, on the whole, criminals. The quarters and sanitary installations of the camp had not given the slightest rise to any negative criticism whatsoever. The cleanliness found there, and the good physical condition of the inmates met with special approval by the guests. In view of representations of concentration camps in Germany, as given in America, the members of the delegation were surprised at the conditions as they had actually found them, and were prepared to enlighten the people accordingly after their return.

MR. TAYLOR: There being no objection let the affidavit be marked PL 57A for identification.

DR. LINK: I now desire to submit the affidavit by Walter Wuensche.

Affidavit by Walter Wuensche, No. 57B, head of the Kreis personnel office of the Gau Thuringia. Incident to a course

H1086 - 0043

at the customs school in Berlin, the witness had the chance of visiting the concentration camp Sachsenhausen near Oranienburg. The condition of the camp was exemplary in every respect. The cleanliness of the quarters and the physical condition of the inmates were especially noticeable. The management of the camp gave the express assurance taht it was strictly prohibited to mistreat inmates in any way whatsoever. Instruments of torture or execution were not seen. Nor did anything indicate that there were any. In other respects, too, there was no evidence of mistreatment of inmates.

MR. TAYLOR: There being no objection let the affidavit be marked PL 57B for identification.

****

DR. LINK: Next is the indictment charge "Einsatzstab Rosenberg."

Former political leaders have submitted 9,870 affidavits concerning the charges of the prosecution against the Einsatzstab Rosenberg. They have been condensed in an affidavit by witness Dr. Richard Mueller. In all declarations it is again and again pointed out that the political leaders had nothing to do with the institution Einsatzstab Rosenberg, nor with its work, and that the majority of political leaders did not even know anything of the existence of the Einsatzstab Rosenberg. I refer to this summarizing affidavit number PL 58. It has been translated into English. In addition I submit the following individual affidavit of the witness Kuenzler, who was Bereichsleiter in the Reichsfinance administration office of the NSDAP.

Affidavit by Karl Kuenzler, Bereichsleiter in the Reichsfinance administration office of the NSDAP, No. 58 A. Rosenberg was given the personal commission of salvaging and safeguarding art treasures and other cultural objects in the occupied areas that were in danger of destruction considering the events of the war. Using them for personal purposes was

H1086-0044

out of the question. In any case these valuable objects were made the basis of reparations questions at coming peace conferences. The Einsatzstab Rosenberg was not a formation of the party, nor a selected committee of political leaders, but an independent office. The members of this Einsatzstab wore special uniforms completely distinct from the Party uniforms. Foreigners were also members of the NSDAP as an advance only. Repayment of this money had been provided for. Those persons who knew of the existence of the staff for official reasons also did not know anything of criminal measures.

MR. TAYLOR: There being no objection let the affidavit be marked PL No. 58A for identification.

****

DR. LINK: The next subject deals with Euthanasia. 7,794 affidavits have been submitted by former political leaders. Their contents have been summarized in an affidavit by witness Richard Adam. These affidavits unanimously show, that the political leaders as a group not only did not have anything to do with the application of Euthanasia measures, but also that they did not have any knowledge of the existence of an order Hitler's to Bouhler to this effect. I refer to summarizing affidavit PL 59. The following three individual affidavits are submitted in connection with it.

Affidavit by Karl Hederich, No. PL 59A, deputy chairman of the official party censorship commission of NS publications. The order issued by Hitler to Bouhler and Dr. Brand in September 1939 concerning the granting of the so-called mercy-death was a "secret special order" of which neither the Ortsgruppenleiter and Kreisleiter, nor the Gauleiter, and not even the Reichsleiter knew anything. Only those who had directly anything to do with this matter were in a position to know of it, considering the strict maintenance of secrecy. This applied especially to medical commissions.

H1086-0045

The party as such, or even a certain group of functionaries, or a similar group did not receive any information concerning this.

MR. TAYLOR: There being no objection let the affidavit be marked PL 59A for identification.

****

DR. LINK: I now desire to submit affidavit by Dr. Bruno Engel.

Affidavit by Dr. Bruno Engel, No. 59B, ministerial counsellor in a Reichsministry. Dr. Engel, who was a member of the Reichsministry of the Interior in his capacity as physician and ministerial counsellor, knew of the order of Hitler to Reichsleiter Bouhler and the physician Dr. Brand concerning the granting of the mercy-death. Not until the year 1943 did he hear by chance of the fact, that is, not through official channels, that in some sanitoriums and nursing homes of incurably insane persons, the so-called mercy-death would be granted. He had also heard of scientific experiments with malaria germs performed on mental patients. But he had not connected this procedure with anything contrary to medical ethics, because the treatment of mental patients through inoculations of malaria germs was a generally recognized cure.

MR. TAYLOR: There being no objection let the affidavit be marked PL 59B for identification.

****

DR. LINK: I now desire to submit affidavit by Dr. Ferdinand Dietrich.

Affidavit by Dr. (MD) Ferdinand Dietrich, physician and former Kreisleiter of Wuertemberg, as No. 59C. The witness who was a physician and Kreisleiter at the same time in 1940 heard by way of rumor that mental patients and feebleminded people in institutions were being done away with by some sort of operation. Upon inquiries on this point he was told that under very definite conditions, and after detailed investigation of all the circumstances, incurable mental patients and

H1086 - 0046

highly feebleminded persons could be given euthanasia to put an end to their sufferings upon the decision of a committee of doctors composed for this purpose. This information was given to him privately as a physician and not in his capacity as Kreistleiter. The political leaders as such were at no time informed of this measure in any form whatsoever, not even "confidentially" or "secretly".

MR. TAYLOR: There being no objection let the affidavit be marked PL 59C for identification.

****

DR. LINK: My next group deals with Conspiracy against Peace, of which affidavit bearing number PL60 includes 32 affidavits. I am submitting special list of names of these thirty-two.

MR. TAYLOR: What is the summary of these affidavits, Dr. Link?

DR. LINK: The summary of these affidavits is the summary of 27,735 political leaders who have submitted declarations from various camps concerning the charge of participation in a conspiracy against peace. All these affidavits contradict the assumption of a conspiracy, or the existence of a plan to wage wars of agression. They have been condensed and summarized in an affidavit by the witness Bolko von Roedern. Besides this thirty-two former political leaders from various party offices having various political leader party-ranks, of various civilian professions and from various Gaus, have submitted declarations, comprised in a uniform questionaire especially treating of the alleged conspiracy, in the form of affidavits. These declarations represent a cross-cut of the large circle of political leaders and as such give a correct representation of the true situation. I submit these thirty-two declarations to the commission together with the sample of a questionaire that I should like to have shown on the record. The mentioned

H1086-0047

declarations are all to the effect that the political leaders never considered their work as being directed towards a war, that they considered Hitler's repeated declarations of peace serious, that they were at no time conscious of the fact of having any part in a conspiracy to start wars of aggression, and in the execution of war crimes and crimes against humanity, and also that the alleged individual crimes were unknown to them.

MR. TAYLOR: There being no objection let the affidavit be marked PL No. 60 for identification.

****

DR. LINK: The next group deals with Lynching. I now desire to submit affidavit by Karl Scholtis.

Affidavit by Karl Scholtis of June 22, 1946. The witness was Ortsgruppenleiter in the Gau Westphalia-South. He did not receive any order whatsoever either from Gauleiter Albert Hoffman, or from the Party Chancellory, or any police authorities according to which attempts on the part of the population to mistreat allied parachutists, or even to lynch them were not to be interfered with. Nor did any such incident occur. The

H1086 - 0048

instructions were to the effect to treat such aviators properly as prisoners war. Accordingly the political leaders rescued, treated and cared for these allied aviators who had bailedout and handed them over the competent police authorities. The political leaders successfully protected the allied fliers from foreign laborers, especially Poles and Russians, who wanted to injure them.

MR. TAYLOR: There being no objection let the affidavit be marked PL 61A for identification.

* * * * * * *

DR. LINK: I now desire to submit affidavit by Georg Brueckmann.

Affidavit by Georg Brueckmann as No.61B, of June 9 1946. The witness was Kreisleiter in the Gau Hessia-Nassau. There crews of American planes repeatedly bailed out. They were arrested, fed, and properly treated. The Kreisleiter neither received nor issued any orders to mistreat or kill th

MR. TAYLOR: There being no objection let the affidavit be marked PL No. 61B for identification.

* * * * * *

DR. LINK: I now desire to submit affidavit by Wilhelm Haus.

Affidavit by Wilhelm Haus, No.61C, of June 9, 1946. The witness was Kreisleiter in Wetzlar. He knows a number of cases where Allied parachutists were fed, and as far as necessary, given medical treatment. No aviator who had bailed out alive, nor any dead flier was ever treated in any but the proper manner. The dead fliers were buried in individual coffins in consecrated ground. An American captain declared to the witness in the summe of 1945 that after having visited all the graves of Allied aviators in the Kreis Wetzler he did not see any reasons for sending a report to . . . . .

MR. TAYLOR: There being no objection let the affidavit be marked PL 61C for identification.

* * * * * * * * * * *

DR. LINK: I now submit the affidavit by Otto Naumann.

Affidavit by Otto Naumann, No. 61D, of June 9 1946. The witness was Kreisleiter in Gau Saxony. After the severe air raid on Leipzig he looked after a number of Allied aviators who had bailed out. All of them were

treated properly and handed over to the competent military authorities after having been given medical aid of necessary.

MR. TAYLOR: There being no objection let the affidavit be marked PL No. 61D for identification.

* * * * * * * * *

DR. LINK: I now desire to submit the affidavit by Friedrich Hilebrandt as No. 61E of April 18 1946. The witness was Gauleiter of Mecklenburg. In order to make the well known article by Goebbels bf May 1944 ineffective, he immediately issued to all his subordinate offices the order to adhere strict to the provisions of the Convention of Geneva and the Hague Agreement, in cases of bailed out fliers, too. The Volkssturm was informed to the same effect. In all cases of this kind they acted accordingly. The English aviators, Major Churchill and Captain James, for example, who had escaped froma camp, were apprehended by an Ortsgruppenleiter, and in agreement with the Kreis and Gauleiter were again handed over to the Wehrmacht. In one case, a Kreisleiter opposed the will of the population in order to protect an aviator and drove him to a safe place in his official car.

MR. TAYLOR: There being no objection let the affidavit be marked PL 61E for identification.

* * * * * * * * *

DR. LINK: I now desire to submit affidavit by Karl Weber.

Affidavit by Karl Weber, No. 61F, of May 30, 1946. The Gauleiter of the Gau Westmark of the NSDAP had instructed all his offices to treat Allied Aviators as prisoners of war, and to hand them over to the nearest police-patrol.

MR. TAYLOR: There being no objection let the affidavit be marked PL 61F for identification.

* * * * * * * * * * * *

DR. LINK: I now desire to submit affidavit by Franz Hofer.

An affidavit by Franz Hofer, No.61G, of April 60, 1946. The witness was Gauleiter in Tirol-Vorarlberg. In this sector a large number of Allied fliers bailed out without a single case of mistreatment, to say nothing of killing, becoming known. The Gauleiter himself drove such aviators in his car to the competent police station after a raid on residential quarters in

H1086 – 0049

Innsbruck. He issued instructions to all offices that such aviators were to be handed over to the police and gendarmerie. Even parachutist agents who had the mission of organizing a resistance movement and that did not have to be treated as prisoners of war according to the Hague Military Convention were taken into the protection of the Gauleiter and remained on his farm until after the capitulation.

MR. TAYLOR: There being no objection let the affidavit be marked PL 61G for identification.

* * * * * * * * *

DR. LINK: I now desire to submit affidavit by Paul Wegener.

Affidavit by Paul Wegener, No.61H, of 9 June 1946. The witness was Gauleiter of Gau Weser-Ems. In spite of Goebbel's article and Himmler's instructions to the police he took steps to see to it that Allied aviators were properly handed over the police, although frequently women and children, farmers who were plowing, milkwagons and private vehicles were shot at with bord-weapons. Although several thousand Allied aviators bailed out over this Gau, not a single case became known where they or any were mistreated or even lynched. Fliers, shot down over the Isle of Norderney, and were floating on the North Sea, were rescued by the German Lifesaving Service in boats and hande over to the Wehrmacht authorities.

MR. TAYLOR; There being no objection let the affidavit be marked PL 61H for identification.

* * * * * * * * *

DR. LINK: The next group is number sixty-two. Affidavit by Dr. Cajus Fabricius of July 17, 1946, as No. 62A. The witness has been an University Professor of Protestant Theology for a number of years, He was to a certain extent persecuted by the highest Party-officials, especially Himmler. He summarizes the publications of the Party concerningtheir attitude to the different Christian churches. According to this the party was not only theoretically, but also actually, based on positive Christianity. The fight against the Church was carried on by private persons outside the NSDAP, by private clubs, and also by individual party members contrary to the principles of the Party and the State. It was supported neither by the State nor by the

H1086 - 0050

H1086-0051

Party. This fight was never intended as a means for the purpose of preparing aggressive wars, or the alleviation of crimes against humanity. Its aim, more or less evident, was rather the realization of some form of religiousness of an ahthropologic or naturalistic nature. The basically positive attitude of the Party towards the Churches did not change, because of this and only a small majority of political leaders left the Church for the reasons mentioned. According to the census of 1939, 95% of Germans belonged either to the Protestant or Catholic Church. From 1933 to 1939 only 1.4% left the Church. According to statistical proofs the large majority of political leaders remained faithful to the church. Many re-entered the Church after 1933, and played an active part in it as members of Protestant Church Councils and Synods, for example. Many of the clergy were members of the NSDAP and political leaders.

MR. TAYLOR: There being no objection let the affidavit be marked PL 62A for identification.

* * * * * * * * *

DR. LINK: I now desire to submit affidavit by Karl Heinz Buth, as No.62B, 24 July 1946. This witness is a Protestant Theologist who held a leading position in Rosenberg's office as political leaders. His testimony coincides with that of Dr. Fabricius who was at odds with the supreme leadership group of the party. Witness does not know of any order of the NSDAP according to which Party members or political leaders were forced to leave the Church, or were supposed to resign from a Church office. The party has not supported any "Germanic believers" (Deutschglaubige) or so-called neo-heathen groups. The attitude that every German had freedom or belief was never changed. The fact that there were people in the NSDAP too who were opposed to religious denominations is due to certain anti-religious statements of important NSDAP leaders. This was, however, their personal opinion, and never an official party declaration. Rosenberg's book "Der Mythos des 20. Jahrhundert's" has never had the character of official party opinions. Only a few of the political laders read it, and only a fraction of them understood it. Föremann's circular from 1941 was severely opposed by Rosenberg andlater withdrawn. Many dignitaries of the Church cooperated positively with Rosenberg's office.

H1086-0052

After the seizure of power, there was a renewed influx of Germans who had previously left it into the Church. Many theologists were political leaders up to the very end. Many political leaders played an active role in the Church until the collapse. When an unautorized order was issued in Bavaria and Wierttemberg to remove crucifixes from public buildings, political leaders of all ranks, from the Gauleiter down to the Ortsgruppenleiter, raised severe protest and prevented the execution of this order.

MR. TAYLOR: There being no objection let the affidavit be marked PL No.6 for identification.

* * * * * * * * *

DR. LINK: I now desire to submit affidavit by Wolfgang Graf Wolff-Metternich as No. 62C , of July 24 1946. The witness found on the occasion of numerous negotiations with high Catholic Church circles and party leaders, that the party opposed any fight against the Church. Goering appointed Bishop Groeber and Bishop Dr. Berning members of his council of State. In January 1933 Hitler declared that it was nonsense to accuse him of being opposed to the Church. He said he was a politician and not a founder of religion. A religion had to grow from out of the nation, it could not simply be founded. Hitler expressly termed Rosenberg's book a private piece of work. He didn't

H1086-0053

like it either, and he had told Rosenberg that he could very well wait a few years before having his book published; if it were an opus that would survive the centuries. But, if it were not so valuable it wouldn't matter if it did not become known at all. In 1936 Himmler addressed the society of German nobility concerning the setup of the SS and his school of Junkers. He declare that according to his instructions here, too, the belief of the different denominations might not be attacked. The later Church fights of individuals gave no sign of my intention to wage aggressive war. No statement, preparatic or anything similar gave rise to the suspicion that Hitler was either able or wanted to plan or prepare war via the Church fight.

MR. TAYLOR: There being no objection let the affidavit be marked PL 62C for identification.

* * * * * * * * * *

DR. LINK: I now desire to submit affidavit by Albert Wallwey, as No. 62D of April 19 1946. From 1932 until 1937 the witness was Hitler-Youth district leader and later Kreisleiter. At a convention of all district leader of the Hitler Youth in Berchtesgaden in 1935, or 1936, Hitler held a two-hour speech in which he said that he was opposed to the Church fight, and that he was not the heralder of a new religion, nor the party the originator of a new religion. He termed it his unalterable will to adhere strictly to the Concord Every German, party member, and political leader had the right to belong to a church without having any disadvantages from it. A German who did not believe in God could only be a bad German. Whoever committed excesses against the Church was in iconoclast, and harmed the reputation of the party. This speech later determined the behavior and work of the witness as Youth Leader and Kreisleiter.

MR. TAYLOR: There being no objection let the affidavit be marked PS 62D for identification.

* * * * * * * * * *

DR. LINK: I now desire to submit affidavit by Karl Hederich, as No. 62E, of 28 June 1946. The witness was a member of the Reichsleitung for more than ten years, and held the position of chairman of the official party-censorship commission of national socialist literature. Upon innumerable

H1086-0054

inquiries he was told that according to Hitler's instructions Rosenberg's book was to be considered his personal private works, and by no means official. Many speeches and personal interviews with Hitler proved that he merely wanted a separation of Church and State but not a persecution of the Church.

MR. TAYLOR: There being no objection let the affidavit be marked PL 62E for identification.

* * * * * * * * * *

DR. LINK: I now desire to submit affidavit by Karl Hederich, as No. 62F, of 31 July 1946. The witness, as Befehlsleiter of the Reichsleitung, was officially concerned with Bormann's circular directed against Christianity - document D 75, USA Exhibit 346. When he heard of it he objected immediately as instructed and found that Adolf Hitler had not given his authorization. He had Bormann advised immediately to destroy the booklet in no wise corresponded to the official party view. The witness also knows of the correspondence mentioned by the prosecution between Bormann and Rosenberg. Bormann's opinion was always considered private and his attempts to impose them on the pa as a whole were already rejected by the Reichsleitung. The witness has never received nor seen any instructions from which any intention of extermination on the party of the party concerning Christianity could be inferred. He would, in any case, have known of such an intention by reason of the position he held. He saw and knew only that intention of wanting to "depoliticise" religious life, and of wanting to separate the Church and the State.

MR. TAYLOR: There being no objection let the affidavit be marked PL 62F for identification. Do you have any further affidavits, Dr. Link, besides these just presented?

DR. LINK: No, not any.

MR. TAYLOR: Then the Commission will recess.

The foregoing is a true and correct transcript of the submission of Affidavits by DR. LINK, taken on 3 August 1946.

GENEVIEVE BIOLSI
Reporter

CHARLES J. GALLAGHER
Reporter

CERTIFIED TO:

GEO. R. TAYLOR
Commissioner